

REMARKS

Claims 1, 2, 5-10, 13 and 14 are pending in this application. By this Amendment, claims 11, 12 and 15 are canceled without prejudice to or disclaimer of the subject matter recited therein. Claim 1 is amended to incorporate the features recited in canceled claims 11 and 12. Claims 13 and 14 are amended to comport with the amendments to claim 1. Thus, no new matter is added.

I. Personal Interview

The courtesies extended to Applicants' representative by Examiner Bertoglio at the interview held November 1, 2004, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

II. Allowable Subject Matter

As the Office Action does not provide a basis or indicate that claims 12 and 13 are rejected, Applicants submit that the subject matter cited in claims 12 and 13 is allowable. Furthermore, as discussed and agreed during the personal interview, as the subject matter of allowable claim 12 and its interceding claim 11 is incorporated into amended claim 1, Applicants submit that all of the pending claims distinguish over the applied references.

III. Claim Rejections Under 35 U.S.C. §112

Claims 1-3 and 5-15 are rejected under 35 U.S.C. §112, first paragraph. As claims 3, 11 and 12 are canceled, the rejection of those claims is moot. Applicants respectfully traverse the rejection of claims 1, 2, 5-10 and 13-15.

As discussed and agreed during the personal interview, the pending claims, as amended, as described in the specification would enable one skilled in the art to make and/or use the invention.

IV. Claim Rejections Under 35 U.S.C. §102

Claim 15 is rejected under 35 U.S.C. §102(b) as anticipated by Kwon (1997, Oncogene, vol. 15, pages 2625-2631). As claim 15 is canceled, the rejection of that claim is moot.

V. Claim Rejections Under 35 U.S.C. §103

Claims 1, 2 and 5-10 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent 5,586,982 to Abela or Henriksen (1997, European Journal of Physiology Euro. J. Physiol., vol. 433, pages 832-841) in view of U.S. Patent 3,573,456 to Beeh and further in view of U.S. Patent 5,498,260 to Rink. The rejection is respectfully traversed.

Applicants assert that none of the applied references, whether considered alone or in combination, disclose or suggest each and every feature recited in the rejected claims, as amended. For example, the combination of references fails to disclose or suggest a method for processing a cell, comprising irradiating a living cell or a living tissue with a laser beam through a hollow optical fiber filled with an inert gas, and cutting off, removing or boring a cell wall or a cell membrane or an entirety of the cell wall thus irradiated, wherein the cell is irradiated with the laser through reflection and condensing which are effected through a chip of quartz glass.

As the Office Action does not allege that the combination of references discloses additional features recited in amended independent claim 1, and as the references fail to disclose the additional features, Applicants request the rejection of claims 1, 2 and 5-10 under 35 U.S.C. §103(a) be withdrawn.

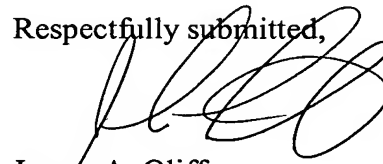
Claim 11 is rejected under 35 U.S.C. §103(a) as unpatentable over Abela or Henriksen in view of Beeh and further in view of Rink and further in view of U.S. Patent 5,951,543 to Brauer and U.S. Patent 6,141,476 to Matsuura. As claim 11 is cancelled, the rejection is moot.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 5-10, 13 and 14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

John W. Fitzpatrick
Registration No. 41,018

JAO:JWF/ldg

Date: November 2, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--